

Appl. No. 10/664,002
Amdt. Dated November 3, 2005
Reply to Office Action of June 3, 2005

Attorney Docket No. 89301.0002 (81788.0257)
Customer No.: 26021

REMARKS:

This is in response to the Office Action mailed August 3, 2005. Claims 1-13 are pending in the present application. Reexamination and reconsideration are respectfully requested.

The outstanding Office Action objects to the drawings. Applicant proposes drawing amendments as indicated on the attached sheets and provides replacement sheets incorporating those changes. Applicant submits that the proposed drawing changes address all of the objections raised in the Office Action.

The outstanding Office Action objects to the specification. Applicant amends the specification to address the objections set forth in the Office Action.

The Office Action rejects claims 1, 3-6, 10 and 11 over the European patent publication 634,823 that lists Valster as its first inventor. Applicant submits that the Valster reference does not teach or suggest a laser array in which two lasers output light at different wavelengths. Rather, the Valster reference teaches two identical lasers within an assembly, where the two lasers have low levels of cross talk and so can be operated independently. Consequently, the Valster reference fails to meet the limitations of the claims pending in the application, all of which recite first and second lasers that release laser light of different wavelengths.

The application describes an optical assembly that can be used in an optical disk drive that can, for example, read information stored on optical disks adapted for operation at different wavelengths. The example provided on pages 13-14 of the application is of an optical assembly that outputs light at 650 or 635 nm for reading DVDs and that also outputs light at 780 nm for reading CDs. In the two laser structure illustrated in, for example, FIG. 9 of the application, the two lasers have different wavelength outputs because the composition of the active regions of the lasers have different compositions. As discussed in the application, the compact

optical assembly described in the application allows much simpler beam shaping and steering optics to be used in the illumination of the optical disk and in recovering light reflected from the surface of the optical disk.

The claims specify the output of different wavelength light in the following manner,

“a first laser element portion provided on said substrate to release laser light of a first wavelength; and

 a second laser element portion provided on said substrate to release laser light of a second wavelength different from said first wavelength in a direction substantially parallel to the laser light of the first wavelength.”

By contrast, the Valster reference does not describe and does not suggest a laser array that outputs laser light of different wavelengths. Rather, as made clear by the table on the fifth page of the Valster reference, each of the layers within the two lasers illustrated in its FIG. 1 is made to have the same composition and doping for both of the lasers. Thus, the two lasers of the Valster reference output light of the same wavelength. Nothing in the Valster reference suggests otherwise. The goal of the Valster reference is to reduce crosstalk between lasers within an array, which has nothing to do with the output of different wavelength light.

Applicant notes that the Valster reference states that the two laser assembly can be used in an optical disk drive. This also does not suggest that the lasers output light of different wavelengths. Having separate write and read lasers provide advantages in recording optical disks, since writing needs to be initiated close in position and time to reading data to correctly position a write operation. That application benefits from the Valster assembly but does not require laser

output at two different wavelengths. Nothing in the Valster reference suggests that its lasers should output light at different wavelengths.

Consequently, all of the claims pending in the present application distinguish over the Valster reference by reciting,

“a first laser element portion provided on said substrate to release laser light of a first wavelength; and

a second laser element portion provided on said substrate to release laser light of a second wavelength different from said first wavelength in a direction substantially parallel to the laser light of the first wavelength.”

None of the art of record suggests modifying this aspect of the Valster reference and so the claims distinguish over the cited art and are in condition for allowance.

Applicant notes that embodiments of the present invention can provide greater benefits to the applications described in the Valster reference than the two identical lasers described in the Valster reference.

Applicant notes that the rejection of certain dependent claims under 35 U.S.C. § 103 states that it would have been obvious to alter the teachings of Valster to have the laser output light at different wavelengths. See Office Action at page 8. Applicant notes that this statement is without support. Applicant submits that such speculation is an improper basis for rejecting a claim. If there is a basis for the Office Action’s speculation about what would have been obvious at the time of this invention, applicant requests that the Examiner provide that reference.

Applicant submits that the art of record does not describe or suggest an optical assembly as defined in the pending claims in which lasers output light of different wavelengths. Without any teaching or suggestion in the prior art, applicant submits that the Office Action’s speculation as to what would have been

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obvious is without support. Applicant requests withdrawal of the rejection under 35 U.S.C. § 103.

The outstanding Office Action also rejected the pending claims under the judicially created doctrine of double patenting with respect to the claims of U.S. Patent No. 6,646,975. Applicant submits that this rejection is improper and requests its withdrawal.

U.S. Patent No. 6,646,975 issued from application Serial No. 09/340,349. The present application is a divisional of application Serial No. 09/340,349. In the prosecution of the '349 application, the Examiner issued a restriction requirement in which the claims pending in the present application were identified as a different invention (Group I) than the claims that issued in the '975 patent (Group III). Attached to this response is a copy of the restriction requirement and election in the '349 application. Pursuant to 35 U.S.C. § 121, a double patenting rejection cannot properly issue against these claims that were previously identified by the Patent Office as representing different inventions.

Consequently, applicant requests withdrawal of the rejection based on double patenting grounds. Applicant submits that the present claims are in condition for allowance.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

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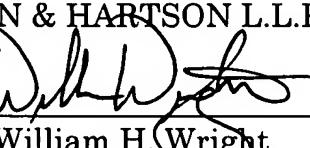
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If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: November 3, 2005

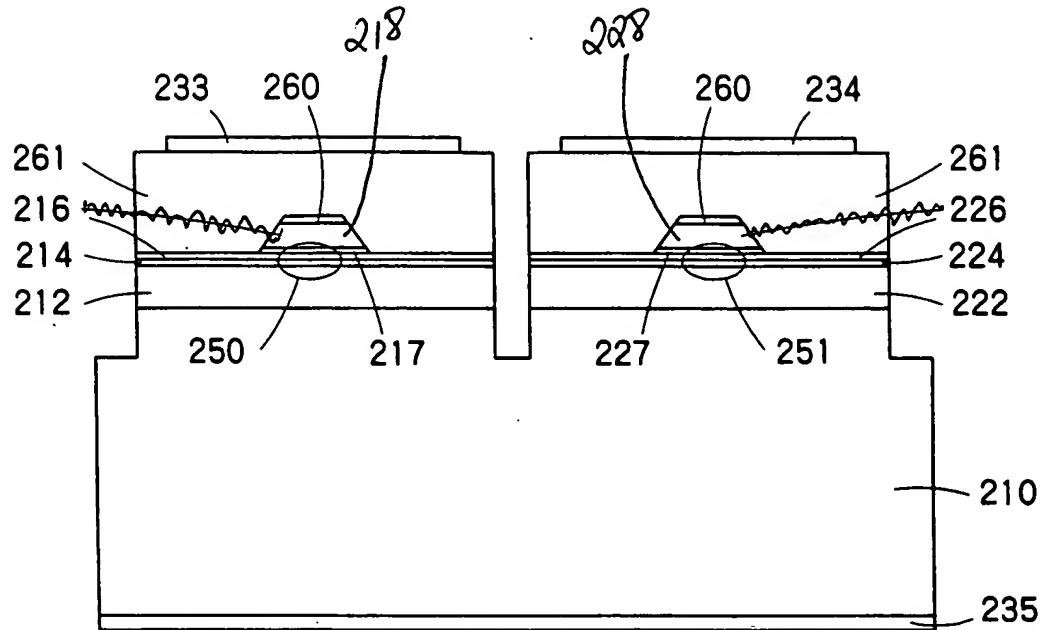
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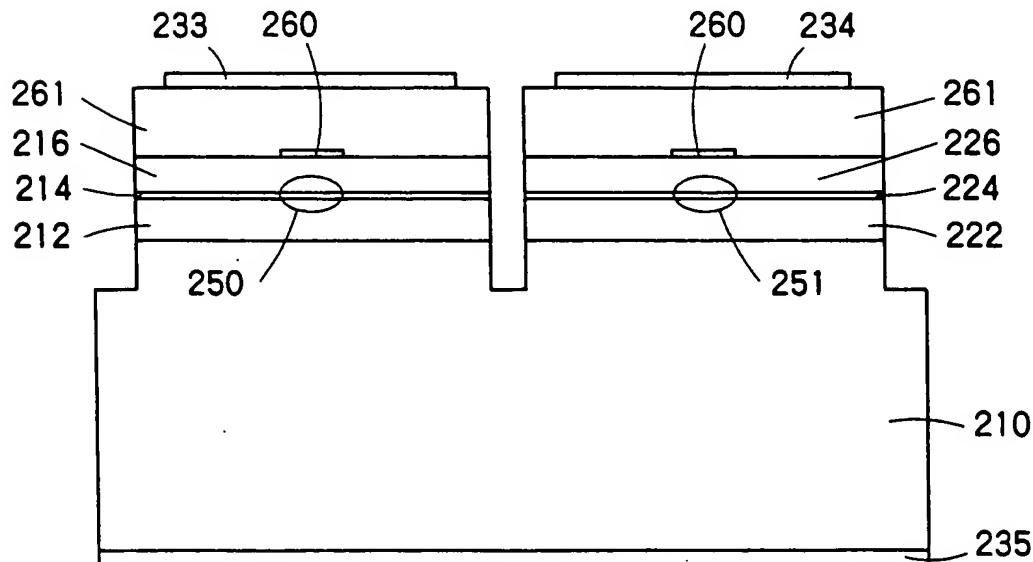


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Annotated Sheet Showing Changes

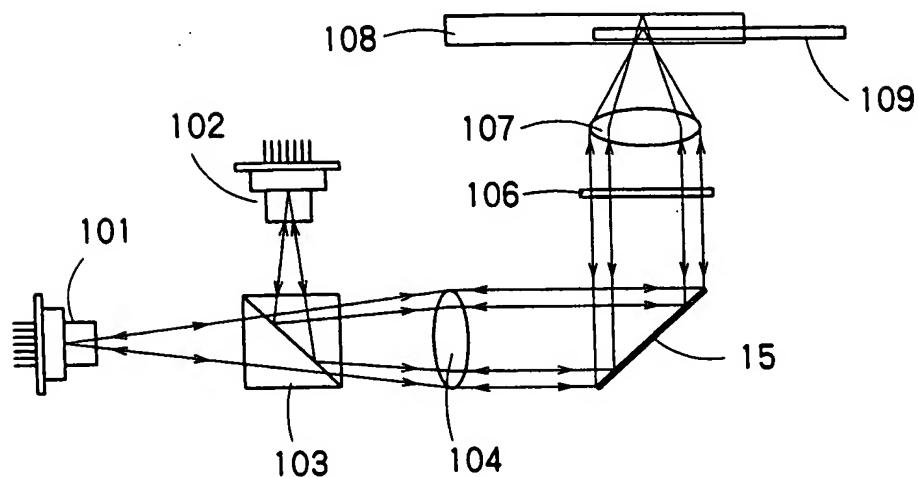


F I G. 24D

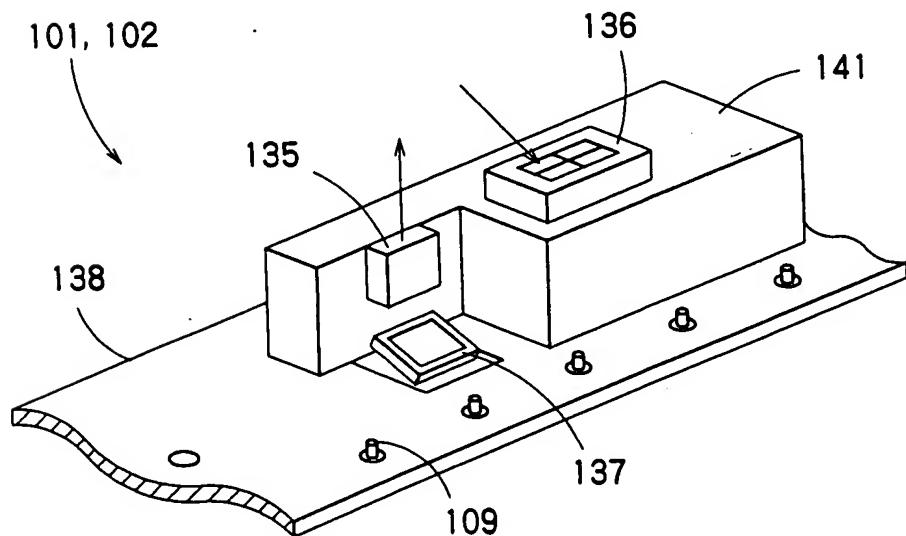


F I G. 24E

Annotated Sheet Showing Changes



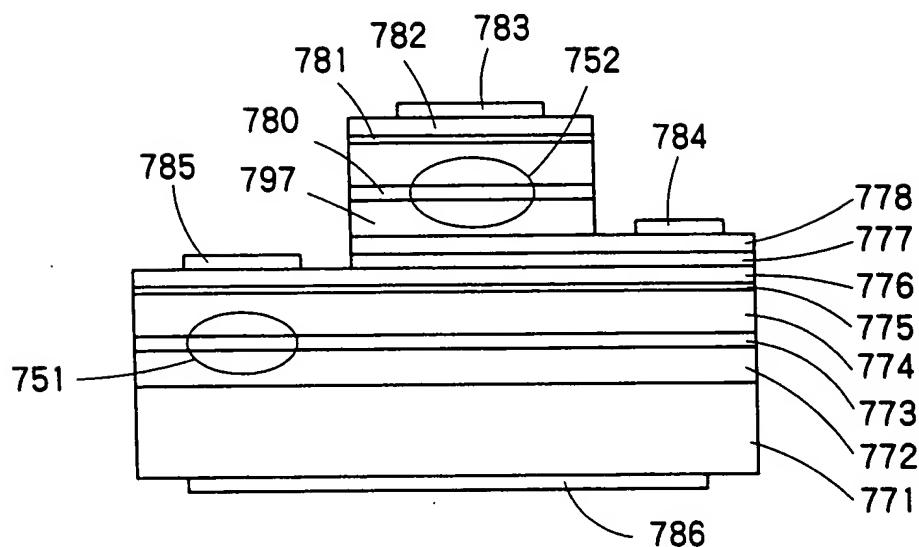
F I G. 26 - PRIOR ART



F I G. 27 - PRIOR ART

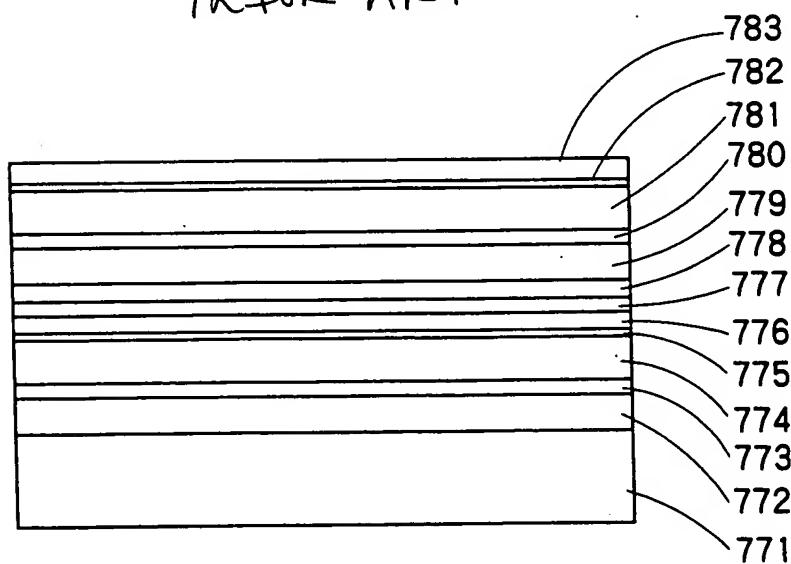
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Annotated Sheet Showing Changes



F I G. 28A

PRIOR ART

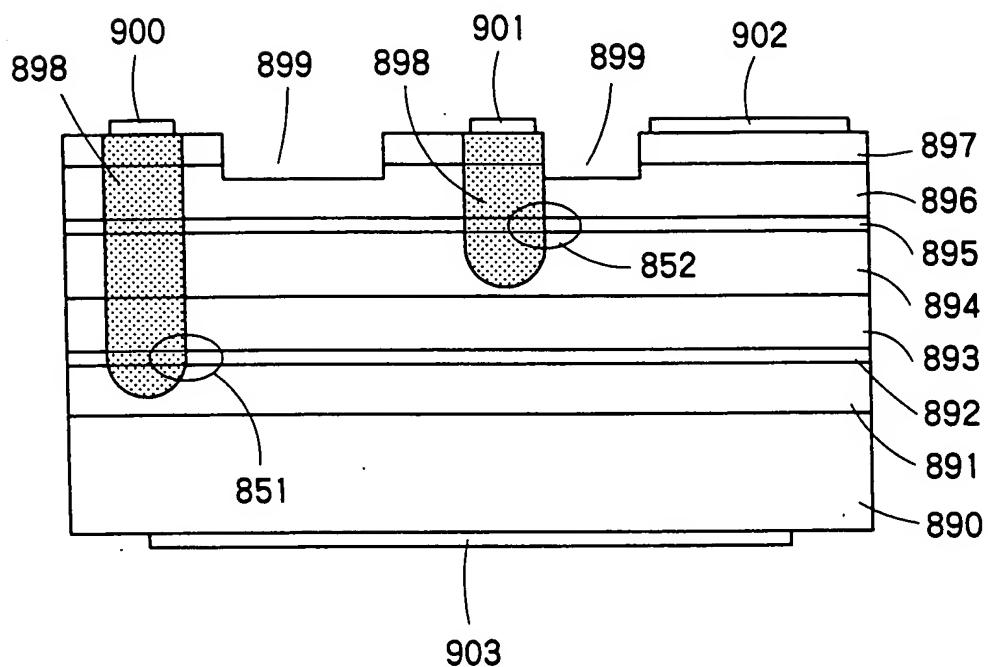


F I G. 28B

PRIOR ART

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Annotated Sheet Showing Changes



F I G. 29

PRIOR ART